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Title: Extractive Industries Transparency Initiative and the Politics of Institutional Innovation in Ghana's Oil Industry

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Highlights

- We analyse how transparency initiatives shape elite dynamics in the extractive sector.
- The centrality of elites is linked with networks of power and domination that influences governance trajectories in the wake of commodity booms.
- The EITI is associated with the emergence of a governance complex that simultaneously legitimises policy networks and reinforce elite instrumentality.

Abstract

Implicit in the predominant dogma that upholds transparency as the panacea for the ill-effects of resource endowment is a belief that public disclosure undermines the predatory landscape for elite patronage and clientelistic politics. Nonetheless, there is surprisingly little empirical information about how reforms geared towards promoting transparency impinge on elite behaviour in resource-rich countries. Focusing on the experience of EITI implementation in Ghana's oil industry, this article addresses this gap by foregrounding institutions of transparency on the distinctive patterns of elite choices and behavior in the wake of commodity booms in low-income countries. It pieces together primary field data that were compiled between 2013 and 2016, along with heuristic tools drawn from elite and network theories to make sense of how the EITI and associated institutional innovations influence elite behavior and its ramifications for oil-led development. Our findings associate the EITI with the evolving governance complex that has concurrently offered opportunities to incorporate other actors into policy reforms and legitimize elite instrumentalization. This is used to highlight the negative effects of Ghana's inherent 'winner-takes-all' politics on the governance of oil and the limits of technocratic reforms in altering elite incentives in resource-rich countries.

Keywords: EITI, elites, governance complex, oil politics, Ghana, Network

Introduction

Subject to characterizations of the ‘resource curse’, which explains the differentiated evidence around the correlation between resource abundance and socio-economic development, resource-rich countries have been keen to avoid some of the negative outcomes of extraction (Auty, 1993; see also Okpanachi & Andrews, 2012). In addition to economic indicators such as diversification, quality institutions particularly remain key among the factors that are expected to determine the extent to which a country will be ‘cursed’ or ‘blessed’ by its resource endowment (Mehlum et al., 2006; de Medeiros Costa et al., 2013). The Extractive Industries Transparency Initiative (EITI) has emerged as a global standard that supports and advances the institutional innovation needed to address issues around corruption, transparency and accountability. Its normative underpinnings and promised potential of changing the state of affairs in member countries have resulted in many scholarly contributions that have examined the relationship between the EITI and a variety of themes such as good governance, transparency, social accountability and the resource curse itself (see Kolstad and Wiig, 2009; Haufler, 2010; Sovacool et al., 2016; David-Barrett & Okamura, 2016; Öge, 2017; van Alstine, 2017; Oppong, 2018).

Does transparency matter? This is an important question which is utilized by Sovacool and Andrews (2015) to critique the fetishism of transparency as the panacea to the challenges that resource-rich countries encounter and the expectation that once the ‘iron curtains’ that, hitherto, covered extractive rents are opened, things will subsequently be better (see also Haufler, 2010). Another related question is, does information matter? Since financial disclosure is central to EITI implementation, this question has been recently posed by experts who have sought to examine the extent to which the availability of information on resource rents and revenue management results in improved accountability (Brunnschweiler et al., 2019). In both instances, it is difficult to draw a correlation between overt openness or disclosure and improved governance and accountability metrics – which underscores the illusory nature of some of the claims around what the EITI can achieve (Ofori & Lujala, 2015) as well as the simplistic nature of the transparency narrative in natural resource governance and management (Kasimba & Lujala, 2019). Both points also underpin the existence of what Öge (2017) refers to as ‘transparent autocracies’, which explains how proactive EITI implementation in places such as Azerbaijan and Kazakhstan can co-exist with government mechanisms towards co-optation and oppression of civil society organizations (CSOs).

While the two questions raised by the literature so far remain important, they do not provide us with an empirical account of how transparency norms have shaped elite dynamics in specific extractive sector domains. Indeed, the extant literature emphasizes the importance of information disclosure in transforming elite dynamics from predation – i.e. patronage, clientelism, authoritarianism, and corruption (Brunnschweiler et al. 2019; see also Kolstad & Wiig 2009; Haufler 2010; Öge 2017a) – but falls short of demonstrating how governance instruments such as the EITI enables this to happen. Elsewhere (see Hazelton, 2017), the good governance logic is seen to characterize ‘unexamined assumptions’ based on the expectation that certain measures (i.e. governance reforms) are inherently good for institutional change while the reality is that this is often not the case. This point also sheds light on the extant African politics literature that highlight the role of political elites in circumventing governance reform pressures (van de Walle, 2003; Lindberg, 2007; de Oliveira, 2011). While the literature is enriched with accounts of the role of elites in undermining optimum change or institutionalising what de Oliveira (2007) and van de

Walle (2001) have described as the partial reform syndrome which can be seen as a characteristic of ‘illiberal democracies’, there is more room to explore their sectoral and contextual dynamics.

On the EITI, in particular, transparency as an idea is often deployed in passive terms. It is usually represented as a norm that does good, irrespective of contextual variations, without much clarity (see Sovacool & Andrews, 2015; van Alstine, 2017). Consequently, we know how transparency norms emerge and diffuse from global to the local, without much attention paid to how elites condition their translation into domestic governance instruments. At the elite level, much has been written about motivation for compliance and dynamics of implementation or non-implementation (see David-Barrett & Okamura, 2016; Öge, 2017b; Oppong, 2018), but the connections between such compliance dynamics and the broader impact of reform on elite incentives remain largely untouched.

To address the noted gaps in the extant literature, the paper employs elite theory and social network theory to develop an analysis that offers some explanations of how the EITI and associated institutional innovations shape elite incentives and behaviour. Focussing on Ghana’s oil industry, our goal in this article is two-fold: First, we offer an empirical account of the elite dynamics and the distinctive politics of reform that characterised the boom period, which began with the announcement of commercial oil find in 2007 . Secondly, the paper underscores the importance of elite theory and social network theory in making sense of the distinctive politics of restructuring petroleum. Our core argument situates the EITI in the emergence of a governance complex that escalated in the wake of the oil boom. This complex, as expounded further below, is marked by a duplicity and proliferation of new regimes of regulation and private governance networks, which have posed significant constraints on elites. However, by failing to address power imbalances the EITI has served as a crucial instrument of elite domination and legitimation. Thus, despite an impressive record, EITI implementation has not altered the incentive patterns underpinning elite politics in Ghana’s oil industry. To explore the theoretical and empirical essence of this phenomenon, the next section of the paper provides the theoretical basis for our argument to be followed by a brief discussion of methods of data collection. The bulk of the analysis is devoted to an examination of the governance complex within which the EITI operates as well as the manifestations of the factors underpinning elite politics and instrumentalization.

Theorizing Elites Networks in the Extractive Sector

While the political economy scholarship has established the centrality of elites in the politics of reform (Nye, 2011; Robinson, 2010), its theoretical implications for resource governance have not been developed more explicitly. Against the grim prognosis advanced by the ‘resource curse’ thesis, the politics of reform have been rightly pivoted on the goal of altering the perverse environment around which elites operate. To firmly grasp how the EITI as an instrument of reform shapes elite dynamics in Ghana petroleum sector, our analysis employs a web of heuristic tools drawn from elite theory and social network theory. Our view of elites aligns with what DiCaprio (2012:4) has defined as ‘a distinct group within a society which enjoys privileged status and exercises decisive control over the organization of society.’ This conception departs from earlier interpretations which upheld elites in absolute terms, based on designation of official titles, and links elitism with positions of power that are contingent on interaction with different actors. Elite dynamics are, therefore, embedded in a much broader network of socio-economic and political processes that define different power configurations and governance outcomes (see Wong, 2012) . Social network theory offers an important lens through which we could gain a

deeper understanding of the centrality of elites, along with the values, precedents, instructions and the dynamics of multiple structures that mediate their interactions with non-elites (cf. Bodin & Crona, 2009:335).

Network approaches have enjoyed a measure of ubiquity in the social sciences. In the extractive sector, its invocation has mostly focused on the understanding and organisation of collaborative governance processes that challenge top-down approaches to the management of various resources (Bodin & Crona, 2009). Nonetheless, three key objectives of network theories remain crucial in understanding how governance reforms shape elite incentives in the extractive sector: The first relates to an interest in the distribution of power among different actors within particular networks. Power is viewed as an actor's ability to produce intended effects on the attitudes and behaviors of other actors and it emerges from networks where valued information and scarce resources are transferred from one actor to the other (cf. Knoke, 1994:156). A common assumption here is that given the centrality of elites in the position of power, they are better situated to exert influences over other actors and are better positioned to access valuable information which may put them at an advantage. Although power and information asymmetries remain crucial aspects of the centrality of elites, the extent to which they are wielded by elites to drive specific reforms are contingent on the dynamic of interactions with other actors.

The second dimension of social network theory, therefore, underscores the importance of the interconnections between elites and non-elites (Bodin & Crona, 2009). Here, it is commonly argued that when elites enjoy a reasonable measure of cohesion and centralization, they are able to effectively drive reforms that may resonate with other actors. However, uneven distribution of the ties between elite and non-elites around reforms raise important normative questions about legitimacy and representation. The third aspect of social network theory is the view that networks are forged and conditioned in the context of specified policy domains – sectors around which different actors coalesce and interact (Knoke & Burleigh, 1989; Knoke, 1994). Within the extractive sector, attention to specified policy domains have led to a great deal of attention to assemblages and production networks that form part of a complex web of competing globalized market and governance processes, alongside varying bureaucratic and institutionalized processes which are continuously negotiated by different actors at multiple scales to shape the value creation processes of specific resources (Appel, Mason, & Watts, 2015; Huber, 2015; Watts, 2004). As we show below, the dynamic of specific extractive domains and the distributional contentions that they generate tend to expose and reinforce elite power and vulnerabilities over other actors.

To achieve the goal of understanding the politics of the EITI through the prism of elite and social network theories, we highlight the multiple ways by which the initiative shapes structures of elite domination and how elites, in turn, navigate the constraints that it imposes. Our position is that whereas the EITI has proven beneficial in building a strong network around reform that have enabled information sharing and legitimized reforms in the extractive sector, its influence on the structures of domination has been generally weak. Hence, the success of the EITI in Ghana aligns with the importance that elites attach to it as an effective instrument of domination and legitimation. This observation aligns with a general pattern of elite instrumentalization in Ghana and elsewhere, where commitments to specific reforms and the proliferation of multiple governance arrangements are used as tools for stabilizing regimes of accumulation and the power of ruling coalitions (Oppong, 2016; Ayanoore, 2017; Abdulai, 2017).

Methodology and data collection methods

In seeking to understand elite incentives and dynamics in Ghana's oil sector, we adopted a case study design for a more in-depth assessment of the phenomenon under investigation. Many of the recently published empirical work on the oil sector have been case studies (see Andrews, 2013; Ayelazuno, 2014; Ofori & Lujala, 2015; Ayanoore, 2017; Siakwah, 2018; Oppong, 2016, 2018 etc.). In our case, we used it in order to accentuate the exploratory focus of the research (Creswell & Poth, 2017), especially considering the existing knowledge gaps in the connections between the EITI, institutional innovation and elite dynamics in the petroleum sector.

In addition to a combination of secondary sources, this article utilizes information from primary data gathered as part of field research conducted in 2013 and 2016: The first round of fieldwork was undertaken in 2013 and entailed a variety of data sources from archival research, unobtrusive observation of three EITI Dissemination Workshops and stakeholder workshops. Elite interviews with 117 respondents sampled from the Ghana EITI Secretariat, parliament, the Energy and Natural Resources Ministry, the Administrator of Stool Lands,¹ Ghana Chamber of Mines, along with individual consultants, extractive firms, donor agencies, NGO and community activists and think tanks that are linked to the petroleum sector. The second fieldwork was conducted in 2016 between May and August with a focus on six communities in the Western Region (i.e. Axim, Busua, Dixcove, Cape Three Points, Sekondi-Takoradi and Ngyiresia) where two data collection instruments (i.e. semi-structured interviews and focus group discussions) were used to solicit responses to our research questions. In total, 84 participants were involved in the fieldwork including community stakeholders and those working with international organizations, local and transnational oil companies, government agencies, media houses and academic institutions.

Most of the interviews and focus groups discussions were recorded with consent from participants. Transcripts from these recordings were subsequently subjected to many rounds of intense reading to identify common themes and patterns. These were augmented with field notes from observations, media reports and the extant literature to gain a much deeper understanding of the critical themes and discourses underpinning patterns that needed to be highlighted. The two larger projects that inform the paper engaged with a variety of themes around institutions, power structures, political settlements, community development and well-being, poverty, corporate social responsibility, norms and governance, donor influence, social accountability, participation and exclusion, and socio-ecological impacts among others. These themes, which were utilized in the coding of the qualitative data, forms part of the thematic analysis that helped us to both reduce the data and identify key ideas that are relevant across the bigger dataset (Clarke & Braun, 2014). However, key insights are specifically drawn from discussions around institutions, power structures, norms, governance, political settlements and donor influence – particularly as they relate to understanding the behaviour of elites in promoting and implementing transparency norms such as the EITI. This emphasis informs why, although the two projects described underpin the analysis in the paper, only a subset of fieldwork data is used in terms of direct references and quotations.

¹ The Office of the Administrator of Stool Lands is a statutory body that is mandated to collect and disburse revenues deriving from customary lands in Ghana. The country's mining regime, the Office receives all ground rents related to stool lands and manages disbursements to stools in mining communities.

EITI and the Makings of Ghana's Governance Complex

A common assumption among political economists is that there is a trade-off between binding arrangements that permit reform and the consolidation of elite dominance and control (for instance, Nye, 2011). Ghana's experience, however, reflects a broader trend whereby commitments to reform are deployed to reinforce elite control and legitimation, as evinced by the wider characterizations of extraversion or partial reform syndrome in the Africanist literature (see de Oliveira, 2007, 2011; van de Walle, 2001, 2003; Lindberg, 2007). While noting the influential role of critical actors, such as donors and policy experts (see Libby, 1976; Whitfield, 2005), a common theme underscored by various analysts of Ghana's policy landscape is the appetite of the country's ruling elites for pursuing different reform initiatives largely as instrument of power consolidation (see Gibson, 1997; Oelbaum, 2002; Owusu, 1970, 1996). Recent studies (e.g. Abdulai, 2017; Ayanoore, 2017) augment this extant literature. In particular, Ayanoore (2017) shows how elite institutional reform in oil sector is driven and shaped by clientelist power relations. In essence, there is a proactive political commitment to governance and broader developmental reforms as a result of the expected elite bargains from such endeavours. The country's compliance with the EITI, which began in 2004 with the New Patriotic Party (NPP) Government, led by then President John Kuffuor, generally reflects this broader pattern of elite instrumentalization. This policy choice was invariably shaped by a plethora of domestic and external forces that exposed elite vulnerabilities in the extractive sector.

Globally, the 21st century marked a critical turning point for the extractive industry, as various activists and 'norm entrepreneurs' pushed for reforms that expanded the governance frontiers from the previous focus on security of access and production towards the pursuit of sustainability, transparency and accountability norms (see Benner, de Oliveira, & Kalinke, 2010; Gillies, 2010; Shankleman, 2009). In Ghana, as recounted by Oppong (2018), this global trend resonated with an evolving landscape of extractive activism as sporadic community agitations, along with a plethora of unilateral and collective campaigns by NGOs such as the National Coalition on Mining, the Publish What You Pay Coalition and the Wassa Amenfi Association of Communities Affected by Mining, provoked contentious debates over the developmental prospects of mining communities and the negative effects of poor corporate practices on the sustainable livelihoods and the environment. As heavy-handed military action and disparate policy interventions failed to address the issues raised by these campaigns, the Ghanaian government came under pressure to effect policy changes that could support mining investments and build trust with mining communities.

The vulnerabilities of the ruling elite which were exposed by NGOs and community activists were compounded by a severe deterioration of the Ghanaian economy due to a strain in government-donor relations over compliance with IMF conditionalities in the run up to the 2000 general elections. During this election year, the crisis culminated into rising inflation, depreciation of the national currency, acute shortage of foreign currency and stalled economic growth, estimated at 3.7% (Government of Ghana, 2001). Within the extractive sector, there was a gaping hole in donor engagement when the World Bank withdrew its engagements following an unsuccessful implementation of the Natural Resource Management Project (1998-2003), based on what the Bank considered as a number of weaknesses in the governance regime of the mining sector, including a 'slow and uneven progress on policy reform' (World Bank-IEG, 2014).

To address these challenges, President Kuffuor, who assumed office in January 2001 in the first democratic turn-over in Ghana, rolled out a strategy to win back donor support and foreign

investment based on Ghana's commitment to good governance reforms. As part of this strategy, for instance, the Government charged the Foreign Ministry and diplomatic missions abroad with the "promotion of Ghana as an important partner in good governance and a haven for private sector investment"(Government of Ghana, 2002). This was backed by numerous engagements, directly spearheaded by the President, such as participation in the Africa Peer Review Mechanism and the Highly Indebted Poor Country Initiative. The launch of the GHEITI became critical in sustaining the revival in donor engagements, while raising the country's investment profile for the extractive industry (see Government of Ghana, 2002). A high-ranking member of the NPP Government confirmed this point in a speech when he observed: "It is hoped that a transparent Extractive Industry in Ghana will bring about an improved investment climate by providing clear signal to investors and the international community, especially financial institutions that the Government of Ghana is committed to these reforms (for) greater transparency."²

As a reform tool in Ghana, the EITI took on more political significance as an effective tool of policy instrumentation in the extractive sector. Globally, as noted by Pogge (2002), the tendency for high-yielding natural resources to centralize the extraction and distribution of rents around incumbent elites is reinforced by an intricate set of 'privileges' accorded governments based on territorial sovereignty over natural resources, irrespective of normative orientations and wider distributional outcomes. In Ghana, the institutional expression of this governmental 'privilege' is given under Article 256 (7) of the 1992 Constitution which vests the control and management of all natural resources in the President on behalf of the citizenry. By embracing the EITI, the Ghanaian government showed a rare willingness to share its core governance mandate over natural resources with different stakeholders.

As a prelude to commercial crude oil production, which began in January 2011 with the lifting of approximately 649,064 barrels of crude from the Jubilee Fields (GNPC, 2011), Ghana underwent an astonishing transition from EITI inception to one of its global star performers. In 2004, barely a year after launching GHEITI, the Government inaugurated a 16-member National Steering Committee with representatives from domestic NGOs, trade unions, companies and mining communities. Three years later, when Ghana announced the discovery of commercial oil, the country was designated an 'EITI Candidate' – a temporary affirmation of good progress under the revised EITI validation grid – with four aggregated reports covering the mining sector. At the end of 2010, Ghana went through Validation – the main quality assurance mechanism of the international EITI secretariat – and was confirmed as the second "EITI Compliant" country in Africa. Within the global EITI community, GHEITI also attracted visibility for some notable country-level variations in sub-national auditing and disclosure of disaggregated and process data (Oppong, 2018). For instance, the Terms of Reference for the aggregator contained requirements for "process and financial audit" as well as "analysis of "historical documentation on production, exports and payment of royalties for minerals produced in the country" (Boas & Associates, 2006). The strong elements of qualitative and contextual information, as claimed by various respondents who were involved in GHEITI inception during field interviews, later proved influential in pushing the EITI standard beyond its initial focus on revenues and payments.

Nonetheless, concerns were equally raised about the inability of GHEITI to venture into noticeable areas of elite patronage, including disbursements to traditional authorities (see IDL Group & Synergy Global, 2010:30). Indeed, many studies have confirmed that payments from mineral revenues to traditional councils and stools often suffer embezzlement and tend to finance

² Welcome statement by Hon. Dr Anthony Osei Akoto (MP), Deputy Minister of Finance and Economic Planning. Speech delivered at the EITI National Workshop La Palm Beach Hotel Accra, January 15, 2007,

expenditures other than those that benefit local communities (ICMM, 2007:23; Standing, 2014:77). These criticisms were also accentuated by some weaknesses inherent in the EITI's institutional design, including the dominance of government representatives, the absence of any mechanisms for public inputs and feedback from the National Steering Committee, and the lack of any binding legislation to govern and enforce EITI findings (see Oppong, 2016). Also, beyond the vague representation of stakeholders, GHEITI does not have any formal linkage with enforceable channels offered by state institutions like the legislature and the Office of the Auditor-General. Our field interviews with various Members of Parliament in 2013, for instance, revealed that none of the GHEITI reports had been the subject of parliamentary deliberations, not least by the Public Accounts Committee, the Mines and Energy Committee and Finance Committee. Respondents from the GHEITI Secretariat and Steering Committee also admitted that GHEITI reports go to “no one,” except the “general public” (personal interviews, 2013).

While the inception of extractive reforms under the EITI in Ghana was largely elite-driven, it served an important tool for nurturing a stakeholder coalition for the deployment of good governance norms in the extractive sector. This process, to a large extent, reflects a predominant reform mantra that upholds the importance of private governance networks and multi-stakeholder deliberations in addressing the challenges of resource-led development on the basis of shared mandate between governments, NGOs and firms (Bracking, 2009; Dashwood & Puplampu, 2015; Falkner, 2003; Koechlin & Calland, 2009; Van Alstine & Andrews, 2016). As envisaged by social network theory, the cohesiveness and representativeness of such stakeholder networks often enables elites to build legitimacy to effectively drive reforms. In Ghana, the introduction of these reform initiatives received the strong backing of elites and birthed a governance complex, characterised by a multiplicity and, sometimes, duplicity of multi-stakeholder reform initiatives. The governance turn has proven beneficial for incorporating some new actors into, hitherto, enclosed policy spaces in the extractive sector. However, questions remain as to whether the ruling elites have relinquished control or rather exploited the new networks, reputational leverage, and institutional loopholes in initiatives, like the EITI. The discovery of oil, and the ensuing interest in creating new initiatives added another boost to this governance complex and elite instrumentalization as various donors, NGOs, companies and public sector agencies rolled out several initiatives to build competitive edge in what quickly became a competitive arena for the introduction of new ideas.

The Governance Complex, EITI and Elite Politics

Among its initial implications, the EITI in Ghana proved influential in nurturing a compelling governance complex that webbed key policy makers with activists, trade unions, NGOs, donor agencies, and business actors in the extractive sector. In line with the premium that resource curse theorists place on quality institutions (Mehlum et al., 2006; de Medeiros Costa et al., 2013), Ghana's oil discovery has kickstarted a governance boom as part of the reform needed to ensure efficiency, transparency and accountability. This governance boom is marked by a complex dynamic of multiple reform initiatives that have been instrumental reinforcing the centrality of elites, while institutionalising norms that legitimise policy choices in the petroleum sector.

As highlighted in Table 1 below, commercial oil discovery opened a new phase in extractive sector reform which amplified the governance coalition that was nurtured earlier by the EITI. In what quickly developed into a competitive arena for new governance initiatives, various donors,

NGOs, companies, and think tanks jostled for visibility in the petroleum landscape by rolling out individual and collaborative programmes geared towards making oil work for Ghana. Notably, under the auspices of the influential donors, including DFID, GIZ and UNDP, the Ghanaian government signed a Memorandum of Understanding with the Kingdom of Norway largely to dispense what was considered as Norway's exemplar expertise towards Ghana's national oil and gas policy strategy (Government of Ghana & Kingdom of Norway, 2008). The World Bank also rolled out a US\$55 million Oil and Gas Capacity Building Project to build new institutions, such as the Petroleum Commission – the main regulator for the upstream sector, while supporting agencies like the Environmental Protection Agency and the Energy Ministry (personal interview with World Bank petroleum expert, 2016). Focusing on communities, DFID established the Western Regional Coastal Foundation (WRCF) to promote multi-stakeholder engagements in the coastal communities in close proximity to offshore oil extraction. An informant from GIZ also indicated that, since the oil find, the agency has rolled out more than 13 different projects solely for 'technical assistance' (personal interview, 2016).

Table 1: Summary/Timeline of Governance Boom in Ghana's Oil Sector, 2007-2018

Year	Action/Activities	Key Actors
2007	Major oil finds in the Western Region Ghana becomes EITI candidate country Ghanaian civil society organize national conference on EITI implementation	Government of Ghana Ghana National Petroleum Corporation and IOCs Civil society groups
2008	National Oil for Development Conference	Government of Ghana Kingdom of Norway
2009	Annual Convention on Oil and Gas by Research and Advocacy Organizations Civil Society Platform on Oil and Gas (CSPOG) established	Civil society groups Donor organizations
2009	Government of Ghana adopts a memo extending the EITI into the petroleum sector	Government of Ghana GHEITI Secretariat
2010	Oil production commences Ghana receives designation as EITI compliant country Local content policy framework unveiled Africa Centre for Energy Policy was established	Ministers Ghana National Petroleum Corporation and IOCs Private citizens
2011	Institute of Economic Affairs (IEA) launches the Petroleum Transparency and Accountability Index (P-TRAC) Petroleum Revenue Management Act (PRMA) 815 passed Public Interest and Accountability Committee (PIAC) established by PRMA 815 Draft EITI Bill (mandatory framework) released by Government \$55 million oil and gas capacity building project began	Parliamentarians Ministers Civil society groups Ghana EITI Secretariat World Bank Opinion leaders Private individuals

	Petroleum Commission established by an Act of Parliament to replace GNPC as regulatory body for the upstream sector	
2013	Local content law (L.I. 2204) established	Parliamentarians Ministries
2014	DFID-funded Western Region Coastal Foundation established to undertake multi-stakeholder engagement in the coastal districts	DFID (U.K.) District authorities
2015	The PRMA amended in June to provide a better framework for the management of petroleum revenues DFID-funded Ghana Oil and Gas for Inclusive Growth (GOGIG) programme launched to help engineer the oil industry towards poverty alleviation	Parliamentarians Ministers DFID (U.K.)
2016	Petroleum (Exploration and Production) Act (Act 919) passed Ghana wins EITI Chair award for exemplary implementation	Parliamentarians Ministers EITI Secretariat (in Oslo)
2018	Petroleum Register launched to disclose all full agreements and contracts in the upstream petroleum sector ratified by Ghana's Parliament	Ministers Civil society groups (e.g. ACEP)

Donor engagements coalesced around an energetic civil society and corporate activism around transparency and accountability norms. Notable amongst them was the Civil Society Platform on Oil and Gas (CSPOG) comprising about 110 research and advocacy organisations who pushed for the incorporation of good governance principles in the governance of the petroleum industry. These national-level NGO activities were accompanied by a series of initiatives within various communities, especially those in the Western region. Organisations such as Friends of the Nation, the Western Region Development Working Group by the Nana Kobina Nketsia IV Trust, and recently the Regional Multi-Stakeholder Dialogue Platform, have been at the forefront of promoting institutionalised mechanisms of community participation in the oil industry.³ Petroleum firms also enjoy some visibility in this governance complex through various CSR projects and participation in various participatory forums. For instance, their community CSR outreaches are expected to draw upon the multi-stakeholder activities of the WRCF (personal interview with WRCF governance lead, 2016).

The boon in governance initiatives invariably set the tenor for a raft of legislative and policy reforms pursued by the Ghanaian government, including the Petroleum Revenue Management Act (PRMA) 815, the Petroleum Commission Act, Petroleum (Local Content and Local Participation) Regulations, 2013 (L.I. 2204), and the Petroleum (Exploration and Production) Act (Act 919) – all of which were established over a span of five years since oil production began (i.e. between 2011 to 2016). Encoded in these laws were different provisions for the institutionalisation of governance norms, including the Public Interest and Accountability Committee (PIAC) – a statutory body comprising representatives of various non-state citizens' groups and companies with the mandate to oversee the management and use of petroleum revenues. The extension of the EITI into the

³ See "A Multi-Stakeholder Dialogue Platform for W/R Formed" <http://vibeghana.com/2014/02/20/a-multi-stakeholder-dialogue-platform-for-wr-formed/> (accessed 20/02/14); *Communique Western Region Development Forum*. Meeting held from 24th to 25th September 2010. Takoradi

petroleum sector by the then National Democratic Congress (NDC) in 2009, in fulfilment of a manifesto promise during the 2008 general election, added to the list of governance commitments by the ruling elites for the inclusion of multiple stakeholders in the governance landscape of petroleum in Ghana.

The PIAC, for instance, is crucial because it represents a domestication of some of the principles embedded in the global EITI agenda. One of the many contentions around the constitution of PIAC related to the categorisation of citizens' groups that were identified for representation on its Committee (see Oppong, 2016). The inclusion of members who appear, on face value, remotely connected to the extractive industry begs the question; why are they interested in norms advanced by initiatives, such as PWYP and EITI? The answer to this question further augments our argument around elite instrumentalization in transparency norm diffusion. For instance, the case of representation of religious councils on PIAC was particularly curious given that they were less visible in various campaigns in the extractive sector. However, as affirmed by Takyi et al. (2010), and demonstrated by prayers by prominent religious leaders at almost every national event, religion is an important aspect of Ghana's political economy. This point has been dramatized more recently by the decision of the current NPP Government, led by President Akufo-Addo, to build a controversial National Cathedral to the 'glory of God' (Ghanaweb 2018). This evidence further accentuates the particular power of Christian values in Ghana's politics (with Christians constituting over 70% of the population) and why political pressure from such groups may have led to this intended project as opposed to a multitude of other development-oriented endeavours the funds committed to building the cathedral could have been used for.

In essence, the power of religious elites, in addition to their perceived moral upstanding, invariably explains why they would be included in normative mechanisms meant to ensure transparency and accountability in the extractive sector. Being regarded as one of the most religious countries in Africa (Pew 2010), the presence of these religious stakeholders on PIAC seeks to safeguard the country's reputation and further justify the impetus of adopting norms of 'good' governance. Yet, fieldwork discussions revealed that these endeavours have also been used as a mechanism by the ruling elites to incorporate civil society, private sector networks and other leading voices into an elite network in order to maintain the stability of and 'popular' support for the system that supports such power relations (personal interviews with journalist and policy expert, 2016). This means that the presence of respected religious representatives on the PIAC, in their respective capacities as 'non-political' elites, and their involvement in broader institutional innovation primarily serves as an outward endorsement of the normative endeavour as something that is 'good'.

In line with Haufler's (2010) earlier observation about how the EITI tends to embed itself in other institutions, GHEITI complements the governance complex in the petroleum sector, reflecting its strengths and weaknesses. Like various stakeholder initiatives, the participatory synergies between the EITI have posed a formidable countervailing force against the centrality of political elites in the management of the petroleum industry. This has augmented the level of scrutiny of policy decisions and institutionalised transparency norms that continue to address information asymmetries in the sector. During our field interviews, for instance, an informant from the Energy Ministry averred that for the government and civil society activists, EITI reports have become 'Bibles' that inform advocacy and were the 'the tools or justifications for government to undertake a number of reforms of the fiscal regime, reporting processes, and monitoring of companies (personal interview, 2013). The EITI has also tapped into some of areas of elite vulnerability, afforded by democratic pluralism and civic activism in Ghana, to maintain its

relevance in the petroleum sector. As recounted by a leading civil society activist and member of GHEITI in an interview, the commitment to expand the Initiative into the petroleum sector by then opposition NDC during the 2008 elections was due to intense lobbying by local NGOs, following the then NPP Government's resistance to the proposal (personal interview, 2013). As outlined by various informants and official documents from GHEITI, this enhanced scrutiny and the close linkages with political elites have yielded some notable results in reforms that have guaranteed an open data on traditionally enclosed aspects of the industry such as contracting, beneficial ownership, and revenue disbursements (see GHEITI, 2018).

While the countervailing forces and policy networks forged by the EITI in Ghana remain significant, its continued salience has been premised on the centrality of political elites, who have successfully managed its implementation to bolster their influence over the petroleum sector. The Ghanaian Government asserted its control from the onset of the EITI process during an impasse with the donor community over the appointment of the auditing firm for the first GHEITI aggregation report. While the World Bank requested the Government to appoint an external aggregator, in line with "international requirements" (cf. IDL Group & Synergy Global, 2010:26), the Government maintained that the appointment should rather conform to the national Public Procurement Law of 2003 and a preference for local experts with grounded insights about Ghana's extractive sector (interview with current and former NSC members, 2013). The Government took advantage of the World Bank's refusal to fund the initial GHEITI auditing process, and the polarisation among donors (as GIZ, for instance, supported the local efforts), to enhance its leverage over GHEITI. The strong elite backing that the EITI enjoys in Ghana, reflected in the support it has received from successive governments,⁴ typifies the incentive structure which has compounded its weaknesses, while enhancing its influence as an effective tool of elite instrumentalization.

The stark manifestations of this 'winner-takes-all' tendency in Ghana's institutional make-up, as acknowledged by an informant from the media, are encircled by elites dominance and determines "who gets hired, who gets licences to work in the industry" (personal interview with journalist, 2016). As demonstrated by the absolute control over natural resources, Ghana's political system, which largely centralises political authority around an Executive President in areas ranging from appointments to resource allocation, ranks among the most severe frailties of petroleum governance in the country (Gyimah-Boadi & Prempeh, 2012). Notably, the Ghanaian constitution, under Article 108, requires all laws that would cause a charge on the Consolidated Fund or the public funds of Ghana to emanate from, on behalf of, the President. In addition to fuelling what Gyimah-Boadi and Prempeh (2012) observed as "vitriolic" and "polarising" politics that feed into political patronage, these frailties have significantly weakened parliamentary oversight. Consequently, as part of the restructuring that culminated into GHEITI's expansion into the petroleum industry, the number of government representatives on the National Steering Committee increased with representation from the Offices of the President and Vice President. Besides, the absence of a binding legislation and poor linkages with independent oversight public institutions and the legislature, as Oppong (2018:11) argues, implies that the EITI operates largely on the goodwill of dominant elites.

From the discussion so far, it appears that while offering important levers for transparency and legitimization of the reforms that form part of the governance complex of the oil industry, the EITI has been less influential in altering the landscape for elite behaviour in Ghana. This

⁴ Since Ghana returned to democratic rule in 1992, there have been three alternations of power between the New Patriotic Party and the National Democratic Congress; 2001, 2009, and 2017.

observation reflects a number of critical points related to debates about the politics of reform in the petroleum industry and the long-held view about elite instrumentalization of policy processes in Ghana. The first relates to the sub-optimal outcomes that are upheld by the ‘resource curse’ literature as generic to petroleum resources. As the number of corrective measures meant to arrest the corrosive effects of resource abundance, an assemblage of experts, activists, policy makers and industry players have come to dominate the policy domain, often dispensing technocratic norms in low-income resource-rich countries. As poignantly demonstrated by the experience of the now discredited Chad-Cameroon Pipeline Agreement (Massey & May, 2005), the failure of these corrective measures to grapple with the contentious politics that are often engendered by resource extraction, have permitted and legitimized the extension of the state and elite centrality in extractive policy domains.

As noted by Chalfin (2015), in the case of maritime boundary delimitation in the oil sector, through a combination of enclosure and repossession strategies that have mapped out domains of state sovereignty, Ghanaian policy elites have extended the domains of sovereignty and influence. Philips et. al. (2015) have also demonstrated how sovereignty, accorded state elites over extractive governance, is used by state elites to undermine ‘good governance’ reforms (see also de Oliveira, 2007; van de Walle, 2001). This trend of elite instrumentalization in the petroleum sector is compounded Ghana’s ‘winner-takes-all’ democratic politics (personal interview with NPP official, 2016). The winner-takes-all politics is underscored by the perpetuation of a pseudo multi-party democracy in principle which has, in practice, been a fierce contestation between two main political parties (i.e. NPP and NDC) and their elite networks since Ghana entered its constitutional regime in 1992. Here, many analysts have argued that despite reaping the “low-hanging” fruits of competitive elections and respect for civic and political rights, there are still challenges in improving democratic quality especially in terms enhancing the accountability and responsiveness of governments, as well as broad-based citizens’ participation in Ghana (cf. Gyimah-Boadi, 2015:103). Consequently, considerable frustration has been voiced against the EITI for its failure to effectively tackle the multiple sources that cumulate into elite power in Ghana. Notably, results of the nation-wide consultation for the Petroleum Revenue Management Law revealed a broader national preference for an independent and homegrown alternative to the EITI, which led to the establishment of PIAC (see Amoako-Tuffuor, 2011; Parliament of Ghana, 2010a; personal interview with PIAC co-chair, 2016). Also, during interviews with some representatives of petroleum companies, they expressed support for more direct community engagements instead of compliance with the EITI, which they found as duplicating of PIAC, and ill-suited for the oil industry (also, GHEITI Secretariat, 2014). By not targeting the basis of elite power and influence, the EITI is increasingly becoming less aligned with the supposed reform imperatives of the petroleum industry, as voiced by the broader citizenry and, in particular, the people who live in coastal communities that are closer to offshore oil extraction. This has significant implications for how much weight we can place on the EITI for broad-based transparency and social accountability.

Conclusion

It follows from the preceding discussion that while offering important levers for the legitimization and inclusion of reforms in the petroleum governance complex, the EITI has been less influential in altering the landscape of elite behavior in Ghana. This observation has a broader resonance that reflects the constraints imposed by the material politics around oil-led development and elite dynamics in Ghana. Overall, the institutional innovation and the governance complex

discussed in this paper reveal the broader globalized assemblage of actors and structures that inform the industry, which sheds light on the utility of both elite theory and social network theory in understanding the politics of resource extraction and governance reforms. The discussion underpins the fact that simplistic propositions of harms and benefits along the lines of mainstream resource curse theorizing are not novel (Ayelazuno 2014; Siakwah 2018), neither can we assume that the transparency or disclosure that is achieved through the institutionalization of the EITI and other governance mechanisms is necessarily advancing some of the core challenges around the resource-development nexus.

Taking together, it seems quite baffling how a small (but growing) sector will attract such tremendous interest in its governance arena. In some sense, the fear of the ‘resource curse’ has contributed to such rapid institutional innovation in Ghana. However, in order to further explain this phenomenon, we have postulated some reasons why there has been a sustained boom in governance arrangements to support the implementation of the EITI – including the initiative serving as a mechanism for elite instrumentalization. The discussions in the preceding sections show that the network of elite actors involved in the oil sector are not merely idyllic ‘norm takers’ but are in fact playing an active role in the extent to which norms around transparency and accountability are constructed and distributed. This active role in the construction and distribution of normative arrangements ensure that the power structures that stabilize and legitimate elite politics are perpetuated. This, we argue, is among the core reasons why the EITI, despite its successes, has served as an instrument for elite domination in Ghana’s oil sector.

Having said that, our focus on elite dynamics and our definition of elites as powerful networks that have decisive control over the organization of society does not seek to suggest that ‘bottom-up’ forces have not played an equally significant role in the governance complex surrounding the oil sector. Quite the contrary, the agency of these grassroots forces has seen materialization in the activities of several civil society organisations such as the Civil Society Platform on Oil and Gas, Africa Centre for Energy Policy and PWYP-Ghana. Nonetheless, the complexity of institutional innovation in the oil sector has made it possible for these organizations to work in tandem with forces that seek to use the same institutional mechanisms to advance elite domination and legitimation while achieving certain reformist agendas that receive the general buy-in of the actors involved. This finding aligns with our theoretical position that elite influence does not necessarily emanate from those who wield direct political power – considering the broader social networks that those who operate from the ‘bottom up’ belong to and how powerful such networks can be in contesting or endorsing certain institutional reforms. Nonetheless, the characterisation of the EITI and the overall governance complex that underpins institutional innovation in Ghana illuminates how instrumental politics and the limits of the technocratic reform renders elites more visible.

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